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4 Attorney for Defendant, PAUL WHITMORE

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 PAUL WHITMORE,

13 Defendant.

CASE NO: CRF-02-5301 OWW

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**STIPULATION AND ORDER
TO CONTINUE STATUS
CONFERENCE/SENTENCING**

The parties hereto, by and through their respective attorneys, stipulate and agree that the status conference/sentencing hearing currently scheduled for June 13, 2005, be continued until August 22, 2005 at 1:30 p.m.

Jury trial in Mr. Whitmore's state case in San Diego County Superior Court is now scheduled for October 13, 2005. Motions are to be argued in June of 2005. The date selected will afford counsel in the instant action an opportunity to know whether the prosecution has accepted Mr. Whitmore's settlement offer in the state action or whether the matter will proceed to trial.

The parties also agree that any delay resulting from this continuance shall be excluded in the interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F), 3161(h)(8)(A) and 3161(h)(8)(B)(I).

DATED: June 2, 2005

/s/ Jonathan Conklin

JONATHAN CONKLIN

Assistant United States Attorney

**This was agreed to by Mr. Conklin,
via telephone, on June 2, 2005**

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2 DATED: June 2, 2005

/s/ Roger K. Litman
ROGER K. LITMAN
Attorney for Defendant
PAUL WHITMORE

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6 **ORDER**

7 The court having considered the stipulation of the parties and GOOD CAUSE
8 APPEARING, the court now orders that the Status conference/sentencing hearing
9 currently scheduled for June 13, 2005 be continued to August 22, 2005 at 1:30
10 p.m.

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12 DATED: __June 6_____, 2005

13 /s/ OLIVER W. WANGER

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15 HONORABLE OLIVER W. WANGER
16 District Court Judge
17 Eastern District of California
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